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May 15, 2018

Hon. Frederic Block
Senior U.S. District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Wu v. United Healthcare Insurance Company of New York*
1:18-cv-01202(FB)(RLM)

Dear Judge Block:

This office represents Defendant, United Healthcare Insurance Company of New York (hereinafter “United”) in the above-referenced action. On March 9, 2018, Defendant requested a pre-motion conference to discuss Defendant’s proposed motion for an order pursuant to Rule 12(b)(6) and (7), Fed. R. Civ. P., dismissing plaintiffs’ Mae Wu and Lawrence Wu (“Plaintiffs”) First Amended Complaint (“Complaint”) in its entirety with pursuant to The Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001, et seq. (as amended) (“ERISA”). On March 15, 2018, Plaintiffs’ counsel filed a response to Defendant’s letter opposing Defendant’s application.

On May 2, 2018, Your Honor held a pre-motion conference and directed the parties to meet and confer in an attempt to agree to stipulated facts as to the preemption issue. Counsel met and conferred by telephone on May 9, 2018 but were unable to reach an agreement as to the preemption issue. In lieu of proceeding with the motion to dismiss at this time, the parties jointly request that the Court refer this matter to a Magistrate Judge for a settlement conference.

Robinson+Cole

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Defendant respectfully requests that the Court hold its request for leave to file a motion to dismiss pursuant to Rule 12(b)(6) and (7), Fed. R. Civ. P. in abeyance pending the requested settlement conference.

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in dark ink, appearing to read 'D. E. Bryer', with a stylized flourish extending to the right.

Daniel E. Bryer

cc: Aaron M. Schlossberg, Esq. (*via ECF*)